

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-9, 11-13 and 15-19 are pending in the present application. Claims 1-9, 11-13 and 15-19 are amended by the present amendment. Support for the amended claims can be found at least at p. 15, l. 29-p. 16, l. 22 of the specification. The claims are also amended to correct cosmetic matters of form. No new matter is added.

In the Office Action, Claims 1-9, 11-13 and 15-19 were rejected under 35 U.S.C. §103(a) as unpatentable over Marturano et al. (U.S. Pat. 5,636,230, herein Marturano) in view of Kumar (U.S. Pat. 6,269,080) and Schramm et al. (U.S. Pat. 6,542,742, herein Schramm).

In response to the rejection noted above, Applicants respectfully submit that amended independent Claims 1, 12 and 16 recite novel features clearly not taught or rendered obvious by the applied references.

Amended independent Claim 1 is directed to a retransmission control method in a multicast service providing system in which an information delivery apparatus transmits multicast information to radio terminals within a service area of the information delivery apparatus via a radio station. Some of the radio terminals of the service area are configured to send a request for retransmission of multicast information in case of an error, while others of the radio terminals are configured not to send request for retransmission. Specifically, Claim 1, in part, recites that the method comprises:

measuring, at the information delivery apparatus, a received level of a ***connection request signal*** sent from each of the radio terminals ***at a time of initial connection between each radio terminal and the information delivery apparatus***;

...determining by the information delivery apparatus, ***in accordance with the measured received level of the connection request signal***, that at least one of the radio terminals is predetermined as being the retransmission-permitted terminal permitted for retransmission of the multicast information...

Independent Claims 12 and 16, while directed to alternative embodiments, are amended to recite similar features. Accordingly, the remarks and arguments presented below are applicable to each of independent Claims 1, 12 and 16.

P. 4 of the Office Action contends that Marturano describes all the Applicants' claimed features with the exception of the feature of "determining by the information delivery apparatus..." recited in each of independent Claims 1, 12 and 16. In an attempt to remedy this deficiency, the Office Action cites Kumar and Schramm and states that it would have been obvious to one of ordinary skill in the art at the time of the invention, to combine the cited references to arrive at Applicants' claims. Applicants respectfully submit that amended independent Claims 1, 12 and 16 recite novel features clearly not taught or rendered obvious by the applied references.

Turning to the applied references, Schramm describes a cell selection method in a mobile radio system. In rejecting Applicants' claims, the Office Action cites col. 3, ll. 34-37 of Schramm, and asserts that the reference "teaches receiving a level of a control signal sent from radio terminals at a time of initial connection between said radio terminals and a base station, the received level being measured."

More particularly, col. 3, ll. 28-37 of Schramm describes a process for a mobile terminal to select a base station in a mobile communications system based on a measured received signal strength of a broadcast channel received at the mobile station from the base station. In this manner, a base station with the best predicted performance may be selected by for use by a mobile station.

Schramm, however, fails to teach or suggest "measuring, *at the information delivery apparatus*, a received level of *a connection request signal sent from each of the radio terminals at a time of initial connection between each radio terminal and the information delivery apparatus*," much less "determining by the information delivery apparatus, *in*

*accordance with the measured received level of the connection request signal*, that at least one of the radio terminals is predetermined as being the retransmission-permitted terminal permitted for retransmission of the multicast information,” which are both features required by amended independent Claim 1. Instead, as discussed above, Schramm describes that a signal strength of a broadcast signal transmitted from a base station is measured at a mobile terminal in order to select the most suitable base station for use by the mobile terminal. Therefore, in Schramm, the only signal measurement that is performed is at the mobile terminal, not the base station (e.g., information delivery apparatus), and the measurement is based on a broadcast channel, not on a connection request signal.

Further, the Office Action appears to rely on col. 7, l. 66-col. 8, l. 4 of Kumar as teaching “determining the closest transmitter or device.” This cited portion of Kumar describes that when a file distribution and synchronization protocol (FDSP) server receives a client Token Request messages from responding FDSP clients, the FDSP server selects the first responding FDSP client as the active receiver (see step 503 in Fig. 5). Kumar then describes that the base station (FDSP server) determines the retransmission-permitted terminal (the active receiver) by receiving messages from the mobile stations (FDSP clients) and selecting the first responding mobile station during the active receiver selection process.

Thus, Kumar describes a receiver-initiated protocol carried out after a connection between the client and server has already been established. Kumar, therefore, also fails to teach or suggest “measuring, *at the information delivery apparatus*, a received level of *a connection request signal sent from each of the radio terminals at a time of initial connection between each radio terminal and the information delivery apparatus*,” much less “determining by the information delivery apparatus, *in accordance with the measured received level of the connection request signal*, that at least one of the radio terminals is predetermined as being the retransmission-permitted terminal permitted for retransmission of

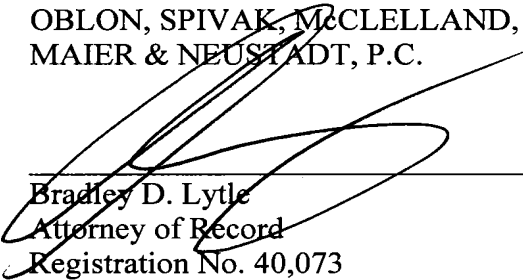
the multicast information,” which are both features required by amended independent Claim 1.

Accordingly, for at least the reasons discussed above, the asserted combination of Marturano, Kumar and Schramm fails to teach or suggest all of the features of amended independent Claims 1, 12 or 16. Accordingly, Applicants respectfully request that the rejection of independent Claims 1, 12 and 16 (and the claims that depend therefrom) under 35 U.S.C. §103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-9, 11-13 and 15-19 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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